

Exhibit B

Complaint

Tiki Brown
Tiki Brown
Clerk of State Court
Clayton County, Georgia
Latasha Currie

IN THE STATE COURT OF CLAYTON COUNTY
STATE OF GEORGIA

EDGAR CANCINO,)	
)	
Plaintiff,)	CIVIL ACTION FILE
)	NQ. 2022CV02897
vs.)	
)	
)	
RYAN KEITH HARRIS,)	
USF HOLLAND, LLC and OLD)	
REPUBLIC INSURANCE CO.,)	
)	
Defendants.)	

COMPLAINT FOR DAMAGES

COMES NOW Plaintiff and makes this his complaint against Defendants as follows:

1.

Plaintiff Edgar Cancino is a resident of Gwinnett County, Georgia.

2.

Defendant Ryan Keith Harris is a resident of Clayton County, Georgia, who may be personally served with the summons and complaint at his residence address, to-wit: 5668 Isleworth Way, College Park, Georgia 30349-6961.

3.

Defendant USF Holland, LLC is a foreign corporation corporation engaged in the business of interstate transportation,

which may be served with the summons and complaint by serving its registered agent for service of process, to-wit: The Corporation Company, 106 Colony Park Drive, Suite 800-B, Cumming, GA 30040-2794.

4.

Defendant Old Republic Insurance Company is a foreign corporation which may be served with the summons and complaint by serving its registered agent for service of process, to-wit: The Prentice-Hall Corporation System, 2 Sun Court, Suite 400 Peachtree Corners, Georgia 30092.

5.

Defendants are subject to the jurisdiction of this Court.

6.

Venue is proper in this Court.

7.

On May 3, 2021, on Interstate 85 South in Gwinnett County, Georgia, Defendant Ryan Keith Harris, acting within the course and scope of his employment with, and for the benefit of, Defendant USF Holland, LLC, negligently operated a tractor-trailer vehicle so as to cause a violent collision with a motor vehicle being operated by Plaintiff.

8.

As a result of the collision, Plaintiff suffered severe and

permanent injuries.

COUNT 1

NEGLIGENCE

9.

Plaintiff adopts and incorporates herein by reference the allegations contained in paragraph 1 through 8 above as if fully set forth herein.

10.

The negligence of Defendant Ryan Keith Harris includes, but is not limited to, failure to yield right of way, following too closely, driving too fast for conditions, failure to observe vehicles on the roadway, and driving in excess of the maximum hours permitted for property-carrying vehicles pursuant to 49 C.F.R. Section 395.3.

11.

The negligence of Defendant Ryan Keith Harris is the sole proximate cause of the motor vehicle collision hereinbefore alleged, and of the injuries and damages sustained by Plaintiff.

COUNT 2

IMPUTED LIABILITY

12.

Plaintiff adopts and incorporates herein by reference the

allegations contained in paragraph 1 through 11 above as if fully set forth herein.

13.

At the time and place of the motor vehicle collision hereinbefore alleged, Defendant Ryan Keith Harris was under dispatch for, and driving at the direction of, Defendant USF Holland, LLC Dee King Trucking, LP.

14.

At the time and place of the multiple motor vehicle collisions hereinbefore alleged, Defendant Ryan Keith Harris was operating his vehicle on behalf of, and for the benefit of, Defendant USF Holland, LLC Dee King Trucking, LP.

15.

Defendant USF Holland, LLC Dee King Trucking, LP is an intrastate or interstate motor carrier, and, pursuant to federal and state law, is liable for the negligence of Defendant Ryan Keith Harris under the doctrine of respondeat superior, lease liability, and/or apparent agency.

COUNT 3

DIRECT ACTION

16.

Plaintiff adopts and incorporates herein by reference the allegations contained in paragraph 1 through 15 above as if fully set forth herein.

17.

Defendant Old Republic Insurance Company is subject to a direct action as the insurer for USF Holland, LLC pursuant to O.C.G.A. Section 40-2-140, or its predecessor, O.C.G.A. Section 46-7-12.1

18.

Defendant Old Republic Insurance Company was the insurer for USF Holland, LLC at the time of the collisions giving rise to Plaintiff's complaint herein, and issued a policy of liability insurance to comply with Georgia law.

19.

Defendant Old Republic Insurance Company and Defendant USF Holland, LLC are subject to the filing requirements of O.C.G.A. Section 40-2-140, or its predecessor, O.C.G.A. Section 46-7-12.1.

20.

Defendant Old Republic Insurance Company is responsible for any judgment rendered herein against Defendant Ryan Keith Harris and Defendant USF Holland, LLC up to its policy limits of coverage.

COUNT 4

DAMAGES

21.

Plaintiff adopts and incorporates herein by reference the allegations contained in paragraph 1 through 20 above as if fully

set forth herein.

22.

As a result of Defendants' negligence, Plaintiff suffered permanent bodily injuries and mental and emotional distress.

23.

As a result of Defendants' negligence Plaintiff has sustained lost wages, and has incurred medical expenses and will continue to incur medical expenses in the future.

24.

As a further result of Defendants' negligence, Plaintiff has suffered physical and mental pain and suffering that will continue into the future.

25.

Defendants' negligence is the sole proximate cause of the Plaintiff's injuries and damages.

WHEREFORE, Plaintiff prays:

(a) that process issue and the summons and complaint be served upon Defendants;

(b) that Plaintiff have a trial by jury on all issues so triable;

(c) that Plaintiff have judgment against Defendants for his special damages in an amount shown by the evidence at trial, and for his general damages in an amount determined by the enlightened conscience of fair and impartial jurors; and

(d) that Plaintiff have such other and further relief as the Court deems just and proper.

DAVID B. GROFF, P.C.

/s/ David B. Groff

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